



Paper No. 4

MAILED

MAY 22 2002

Technology Center 2100

Patent Department
Macrovision Corporation
2830 De La Cruz Blvd
Santa Clara, California 95050

In re Application of: Roger Edwards)	
Application No. 09/744,772)	DECISION ON PETITION FOR
Filed: January 25, 2001)	ACCELERATED EXAMINATION
For: COPY PROTECTION OF DIGITAL)	UNDER M.P.E.P. §708.02(II)
AUDIO COMPACT DISCS)	

This is a decision on the petition, filed January 10, 2002 under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02(II): Infringement, to make the above-identified application special.

M.P.E.P. §708.02, Section II which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. §1.102(d) states in relevant part:

Subject to a requirement for a further showing as may be necessitated by the facts of a particular case, an application may be made special because of actual infringement (but not for prospective infringement) upon payment of the fee under 37 CFR 1.17(h) and the filing of a petition accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office alleging:

(A) That there is an infringing device or product actually on the market or method in use;

(B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and

(C) That he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.

Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

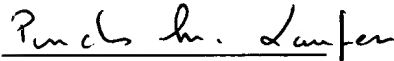
Models or specimens of the infringing product or that of the application should not be submitted unless requested.

Decision on Petition to Make Special

Applicant's submission is deficient in that it does not meet the criteria of section (B) above because it does not include a statement indicating that a "**rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made**, and that, in his or her opinion, **some of the claims are unquestionably infringed**". In addition, it is recommended that the petition include positive statements indicating that "there is an **infringing device or product actually on the market or method in use**" and that the attorney of record has "made or caused to be made a **careful and thorough search of the prior art** or has a good knowledge of the pertinent prior art". Furthermore, **Deposit Account 13-0762** will be charged the petition fee of \$130. Permission to charge the deposit account was given in the Petition.

Accordingly, the Petition is **DISMISSED**. The application file is being forwarded to Central Files to await examination in its proper turn based on its effective filing date.

Any request for reconsideration must be filed within two months of the mailing date of this decision.



Pinchus M. Laufer

Special Programs Examiner

Technology Center 2100

Computer Architecture, Software, and Electronic Commerce

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